

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26647 of 2003

Between:

D. Soma Lakshmi Tayaramma, W/o. Late D. Srinivas,
154, Sappers Lane, Balam Roy, Secunderabad - 2.

..... PETITIONER

AND

Land Acquisition Officer-cum-Revenue Divisional Officer,
West Godavari, Eluru.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondent in not referring the matter relating to the enhancement of compensation in respect of lands of Petitioner acquired to Court of competent jurisdiction under Section 18 of the Land Acquisition Act as illegal and void and consequently direct the Respondent to refer the matter of enhancement of compensation in respect of an extent of Ac.5.60 cents in S.Nos.495/1, 496/1 and 497/1 covered by award No. 8/95-96, dated 1-1-1996 passed by the Respondent.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The petitioner claims to be in possession of lands namely Acs.2.45 in Survey No.495/1, Acs.1.58 in Survey No.496/1 and Acs.1.60 in Survey No.497/1 of Block-III of Eluru town. The petitioner's lands were acquired under Land Acquisition Act, 1894 (the Act, for brevity) pursuant to a notification under Section 4 (1) of the Act published in the A.P. Gazette on 05.4.1995. The award was passed on 01.1.1996. The petitioner made application dated 31.1.1996 requesting the respondent to refer the matter to the Civil Court under Section 18 (1) of the Act to enable the petitioner to seek enhancement of the compensation. It appears as there was a dispute with regard to apportionment the matter was referred to the Civil Court under Section 31 (2) of the Act. The same being O.P. No.86 of 1996 on the file of the Court of the Senior Civil Judge, Eluru was disposed of on 24.4.1998 but still the petitioner's application for reference under Section 18 (1) of the Act is not acted upon. Therefore, he filed the writ petition seeking direction to the respondent to refer the matter to the Civil Court.

In the counter affidavit filed on behalf of the respondent application of the petitioner to seek reference under Section 18 (1) of the Act is not denied. Further, the learned Assistant Government Pleader for Revenue (Land Acquisition) fairly concedes that as the matter under Section 31 of the Act was pending before the Civil Court, the petitioner's application was not considered and that the same shall be considered now.

Therefore, the writ petition is disposed of directing the respondent to consider the representation/application of the petitioner dated 31.1.1996 and pass appropriate orders on the same for referring the matter to the Civil Court under Section 18 of the Act. No costs.

V.V.S. RAO, J

October 29, 2004.

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To

1. The Land Acquisition Officer-cum-Revenue Divisional Officer,
West Godavari, Eluru.
2. Two CCs to the Government Pleader for Land Acquisition, High Court
Buildings, Hyderabad (O.U.T)
3. Two C.D. Copies.